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Total Number of Pages in This Submission 5*

Application Number	10/715,224
Filing Date	11/18/2002
First Named Inventor	Jaclyn Michelle Willner
Art Unit	3632
Examiner Name	Gwendolyn Baxter
Attorney Docket Number	

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Total of 5 pages/items includes: 1) This Transmittal Form (1 page) 2) Office Action Cover Sheet (1 page) 3) Reply (2 pages) 4) Return Receipt post Card (1 card)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature			
Printed name	Kerren R. Willner		
Date	October 26, 2005	Reg. No.	

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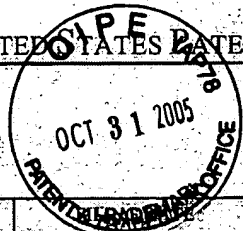
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO.	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,224

11/16/2003

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09/26/2005

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EXAMINER

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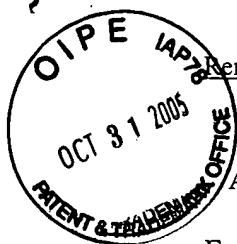
ART UNIT

PAPER NUMBER

3632

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Reply to the Response to the Amendment dated September 19, 2005
Application serial number 10/715,224, Sheet Music Helper (Sheet Music Retaining Device)

Following is my Reply, as directed in the Office Action dated September 19, 2005, relating to an earlier Reply to the Office Action dated December 11, 2004. That earlier Reply included a substitute Specification, substitute Drawings, and other items listed in the accompanying Transmittal Form, but omitted, in error, a necessary section of a reply responding to each objection. This Reply, in effect, serves as a supplement to the previous Reply: herein each objection is responded to.

Information Disclosure Statement

Objections to the Specification under 37 CFR 1.75(d)(1) is overcome by the following: Prior art is now itemized in an Information Disclosure Statement submitted with the response, dated April 11, 2005.

Specification

Objections to the Specification under 37 CFR 1.75(d)(1) are overcome by amendment to wording in the Specification in the replacement Specification, dated April 11, 2005.

Drawings

Objections to drawings under 37 CFR 1.83(a) has been overcome by submission of replacement drawings, dated April 11, 2005, that show all features mentioned.

Claims

Objections to claims under 37 CFR 1.83(a), 1.121(d), 1.84(c) are overcome by reduction of the numbers of claims to relate to the invention, as illustrated in the drawings and by amended wording of the claims, in the substitute Specification, dated April 11, 2005.

Claim Rejections – 35 USC § 112

Objections to claims under 37 U.S.C. 112 enabling requirement are overcome by:

1. Submission of replacement drawings and amended accompanying text to describe the subject matter in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
2. Removal of extraneous descriptive elements.
3. Amendment of claims to state distinctly the subject matter regarded as the invention.

Claim Rejections – 35 USC § 102

Objection to claims under 37 U.S.C. 102 are overcome by the following:

The Biasini patent No. 5,356,109 referred to as anticipating claims 1,7,8 of the original patent application dated 11/15/2003 makes the following relevant claims:

1. Provides a “forwardly facing sheet support surface” for sheet material on the music stand (claim 1.d.i. and its dependent claims, and claim 9.a and 9.f.i. and their dependent claims, and claim 17.c.i. and its dependent claims.)
2. The Patent claims a “plurality of panels” (All claims: see claim 1.b.i. and 9.a. or 17.a.i.. All other claims are dependent on these) or a “plurality of at least semi-rigid panel plate portions” (claims 7 and 15)
3. The patent refers to itself as “a stand extender”, i.e. “having a lateral length dimension greater than the lateral dimension of the sheet support section of the stand” (claim 1.b. and 1.e. and all dependent claims, and claim 9 and 9.f.iii. and all dependent claims, and claim 17 and 17d. and all dependent claims.)
4. Some of the claims include “at least one pocket member positioned on a surface of at least one extender portion comprising one of said panel sections and its related flange section, to receive a sheet material” (claims 4, 5, 12, 13, 20, 21).
5. Some of the claims include a “retaining member extending laterally along a back surface portion of said extender and positioned to engage said back support of the stand to restrain said extender from moving away from said back support.” (claims 6, 14, 22)

Distinctive Elements of the Sheet Music Retaining Device from the Biasini Stand Extender are:

1. It claims a removable device with both forward facing sheet retaining methods *and* a backward facing sheet retaining method, and additionally holds writing implements to the back of the music stand. (all claims)
2. It claims no multiplicity of panels.
3. It claims no flange portion.
4. It claims a downward facing sleeve construct (claim 2 and all dependent claims)
5. Dependent claims include a noise-muffling piece of fabric (claims 3 & 5)
6. Dependent claim includes use of a removably attached strap to retain sheet material (claim 4)

Claim Rejections – 35 USC § 103

Objection to claims under 37 U.S.C. 103 are overcome by the following:

All of the objections in this section relate to features introduced in prior patents being obviously applied to modify the Biasini Patent that, in Claim Rejection 35 USC § 102, in its entirety, was asserted to patent the same invention. As shown above, the Sheet Music Stand Retaining Device is not the same invention as the Biasini device.

Conclusion

While some individual elements of the Sheet Music Stand Retaining Device patent application’s claims have been claimed in different previous patents, such as elastic securing a book, or a pocket holding items, the use and combination of the features as asserted in these claims is not obviously transformed from prior art nor does it duplicate prior patents. Furthermore, the overall design of the Sheet Music Stand Retaining Device is sufficiently different in intent, content, and execution so as not to infringe on prior patents.